

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2007-1574-AIR-E TCEQ ID: RN102536307 CASE NO.: 34698**

**RESPONDENT NAME: BP Amoco Chemical Company**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> BP Texas City Chemical Plant B, 2800 Farm-to-Market Road 519 East, Texas City, Galveston County</p> <p><b>TYPE OF OPERATION:</b> Chemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 31, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Mark Clingan, Environmental Quality Supervisor, BP Amoco Chemical Company, P.O. Box 401, Texas City, Texas 77590  Ms. Katherine M. Gardner, Environmental Manager, BP Amoco Chemical Company, P.O. Box 401, Texas City, Texas 77590  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 15 through 29, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 21, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failed to prevent unauthorized emissions of 1,022 pounds ("lbs") of ethylene and 242 lbs of nitrogen oxides from the Paraxylene Unit No. 2 (PX-2) during an emissions event that occurred on May 7, 2007 from 8:15 a.m. through 6:15 p.m. Since this emissions event was avoidable, Amoco failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Flex Air Permit No. 1176, Special Condition 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$6,875</p> <p><b>Total Deferred:</b> \$1,375  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$5,500</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, design and implement procedures to prevent future emissions events due to a same or similar cause; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s):: GB0001R



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	25-Sep-2007	Screening	26-Sep-2007	EPA Due	21-Jun-2008
	PCW	28-Sep-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	BP Amoco Chemical Company		
Reg. Ent. Ref. No.	RN102536307		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34698	No. of Violations	1
Docket No.	2007-1574-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Aaron Houston
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$2,500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 175% Enhancement Subtotals 2, 3, & 7 \$4,375

Notes: Penalty enhancement due to: seven (7) NOV's with same or similar violations, three (3) NOV's of an unrelated nature, four (4) 1660 Agreed Orders with denial of liability, and (3) Findings Agreed Orders without denial of liability. Penalty reduction due to fifteen (15) letters of intended audits and three (3) disclosures of violations.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$49 0% Enhancement\* Subtotal 6 \$0  
**Approx. Cost of Compliance** \$1,000 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$6,875

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

**Final Penalty Amount** \$6,875

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$6,875

**DEFERRAL** 20% Reduction Adjustment -\$1,375

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$5,500

<b>Screening Date</b> 26-Sep-2007	<b>Docket No.</b> 2007-1574-AIR-E	<b>PCW</b>
<b>Respondent</b> BP Amoco Chemical Company	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 34698	<i>PCW Revision June 26, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN102536307		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Aaron Houston		

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	<i>Enter Number Here</i>	<b>Adjust.</b>
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	7	35%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	15	-15%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	3	-6%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 175%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

<b>Compliance History Notes</b>	Penalty enhancement due to: seven (7) NOVs with same or similar violations, three (3) NOVs of an unrelated nature, four (4) 1660 Agreed Orders with denial of liability, and (3) Findings Agreed Orders without denial of liability. Penalty reduction due to fifteen (15) letters of intended audits and three (3) disclosures of violations.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 175%

<b>Screening Date</b> 26-Sep-2007	<b>Docket No.</b> 2007-1574-AIR-E	<b>PCW</b>
<b>Respondent</b> BP Amoco Chemical Company		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 34698		<small>PCW Revision June 26, 2007</small>
<b>Reg. Ent. Reference No.</b> RN102536307		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Aaron Houston		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.715(a), Flex Air Permit No. 1176, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to prevent unauthorized emissions. A total of 1,022 pounds ("lbs") of ethylene, and 242 lbs of nitrogen oxides were released from the Paraxylene Unit No. 2 (PX-2). The emissions event occurred on May 7, 2007 from 8:15 a.m. through 6:15 p.m. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.	
	<b>Base Penalty</b>	\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual	x
	Potential	
	<b>Percent</b>	25%
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
		<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment was exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health.	
	<b>Adjustment</b>	\$7,500
		\$2,500
<b>Violation Events</b>		
	<b>Number of Violation Events</b> 1	<b>Number of violation days</b> 1
<small>mark only one with an x</small>	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	
	<b>Violation Base Penalty</b>	\$2,500
	One quarterly event is recommended.	
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b> \$49	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> \$6,875
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$6,875	

## Economic Benefit Worksheet

**Respondent** BP Amoco Chemical Company  
**Case ID No.** 34698  
**Reg. Ent. Reference No.** RN102536307  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	7-May-2007	30-Apr-2008	1.0	\$49	n/a	\$49

Notes for DELAYED costs

Estimated cost of implementing training to ensure bolts are tightened to specification during maintenance procedures. Date required is date of the emissions event. Final date is estimated date corrective actions will be completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$49

# Compliance History

Customer/Respondent/Owner-Operator: CN600126775 BP Amoco Chemical Company Classification: Average Rating: 2.72  
 Regulated Entity: RN102536307 BP TEXAS CITY CHEMICAL PLANT B Classification: Average Site Rating: 3.43

ID Number(s):

WASTEWATER	PERMIT	WQ0000452000
WASTEWATER	PERMIT	TPDES0004766
WASTEWATER	PERMIT	TX0004766
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0840213
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD005942438
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30373
AIR NEW SOURCE PERMITS	PERMIT	23872
AIR NEW SOURCE PERMITS	PERMIT	31936
AIR NEW SOURCE PERMITS	PERMIT	31758
AIR NEW SOURCE PERMITS	PERMIT	33496
AIR NEW SOURCE PERMITS	PERMIT	36246
AIR NEW SOURCE PERMITS	PERMIT	36640
AIR NEW SOURCE PERMITS	PERMIT	43910
AIR NEW SOURCE PERMITS	PERMIT	46046
AIR NEW SOURCE PERMITS	PERMIT	47876
AIR NEW SOURCE PERMITS	PERMIT	47273
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0001R
AIR NEW SOURCE PERMITS	PERMIT	1176
AIR NEW SOURCE PERMITS	PERMIT	2244
AIR NEW SOURCE PERMITS	PERMIT	2725
AIR NEW SOURCE PERMITS	PERMIT	5873
AIR NEW SOURCE PERMITS	PERMIT	6841
AIR NEW SOURCE PERMITS	PERMIT	8978
AIR NEW SOURCE PERMITS	PERMIT	10070
AIR NEW SOURCE PERMITS	PERMIT	11911
AIR NEW SOURCE PERMITS	PERMIT	11987
AIR NEW SOURCE PERMITS	PERMIT	12181
AIR NEW SOURCE PERMITS	PERMIT	12225
AIR NEW SOURCE PERMITS	PERMIT	15915
AIR NEW SOURCE PERMITS	PERMIT	15916
AIR NEW SOURCE PERMITS	REGISTRATION	71903
AIR NEW SOURCE PERMITS	EPA ID	PSDTX459
AIR NEW SOURCE PERMITS	EPA ID	PSDTX619
AIR NEW SOURCE PERMITS	AFS NUM	4816700002
AIR NEW SOURCE PERMITS	REGISTRATION	74946
AIR NEW SOURCE PERMITS	EPA ID	PSDTX459M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX984
AIR NEW SOURCE PERMITS	EPA ID	PSDTX782
AIR NEW SOURCE PERMITS	PERMIT	81500
AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0001R
AIR OPERATING PERMITS	PERMIT	2329
AIR OPERATING PERMITS	PERMIT	1513
WATER LICENSING	LICENSE	0840213
WASTEWATER LICENSING	LICENSE	WQ0000452000
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30373

Location: 2800 FM 519 RD E, TEXAS CITY, TX, 77590 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 25, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 25, 2002 to September 25, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Aaron Houston Phone: 979-899-8784

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

**Components (Multimedia) for the Site :**

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 06/13/2004 ADMINORDER 2003-1426-AIR-E  
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.355(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1)

Rqmt Prov: 1176 PERMIT  
 Description: Failure to conduct fugitive monitoring in accordance with 40 CFR 60, Reference Method 21.

Effective Date: 10/10/2005 ADMINORDER 2005-0153-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1176/PSDTX782, SC#1 PERMIT  
 Description: Failed to submit the final report no later than two weeks after the end of the scheduled activity.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1176/PSD-TX-782 SC 1 OP  
 Description: Failed to comply with permitted emission limits

Effective Date: 02/05/2006 ADMINORDER 2005-0361-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 1 PERMIT  
 Description: Failure to obtain regulatory authority or to meet the demonstration requirements of 30 Tex. Admin. Code § 101.222 for emissions from the API Separator 2 that occurred on April 7, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1176/PSDTX782, SC#1 PERMIT  
 Description: Failure to obtain regulatory authority or to meet the requirements of 30 Tex. Admin. Code § 101.211 (relating to scheduled maintenance, startup, and shutdown recording and recordkeeping requirements) for emissions from the paraxylene unit 2 that occurred from September 9 to September 10, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a copy of the final record for any scheduled maintenance, startup, or shutdown activity to the commission office for the region in which the facility is located no later than two weeks after the end of the scheduled activity.

Effective Date: 02/20/2006 ADMINORDER 2005-1151-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a final report within the required 2 week time frame for an emissions event that

occurred in the Styrene Unit (Incident #47950) on 10/17/04.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: BP failed to prevent the unauthorized release of air contaminants into the atmosphere.

Effective Date: 07/14/2006 ADMINORDER 2006-0068-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1176/PSD-TX-782 PERMIT  
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions during a February 1, 2004 emissions event.

Effective Date: 11/18/2006 ADMINORDER 2006-0692-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #31936, SC#1 PERMIT  
Description: BP failed to prevent a leak in Tower T-201.

Effective Date: 11/18/2006 ADMINORDER 2006-0401-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 1176, Special Condition No. 1 PERMIT  
Description: Failure to prevent unauthorized emissions during a July 20, 2005 emissions event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/21/2002	(157574)
2	11/12/2002	(12216)
3	11/25/2002	(157578)
4	12/30/2002	(157582)
5	01/22/2003	(157586)
6	02/24/2003	(157548)
7	03/12/2003	(10811)
8	03/21/2003	(157551)
9	04/21/2003	(157556)
10	05/23/2003	(295154)
11	06/18/2003	(295156)
12	07/22/2003	(295159)
13	08/25/2003	(295161)
14	09/02/2003	(26097)
15	09/23/2003	(295163)
16	10/21/2003	(295165)
17	11/24/2003	(295166)
18	11/25/2003	(255824)
19	12/19/2003	(295167)
20	01/26/2004	(295168)
21	02/01/2004	(436439)
22	02/23/2004	(295148)
23	02/25/2004	(436458)
24	03/12/2004	(295151)
25	04/13/2004	(295152)
26	05/05/2004	(265665)
27	05/14/2004	(351984)
28	06/02/2004	(274031)

29 06/02/2004 (273864)  
30 06/02/2004 (274032)  
31 06/02/2004 (274033)  
32 06/02/2004 (274035)  
33 06/02/2004 (274036)  
34 06/21/2004 (295157)  
35 06/30/2004 (274037)  
36 06/30/2004 (275209)  
37 06/30/2004 (275991)  
38 07/01/2004 (274701)  
39 07/01/2004 (275894)  
40 07/01/2004 (275974)  
41 07/14/2004 (257762)  
42 07/26/2004 (351985)  
43 07/28/2004 (274384)  
44 08/13/2004 (281234)  
45 08/13/2004 (277683)  
46 08/19/2004 (351986)

47 08/28/2004 (269455)  
48 08/28/2004 (266782)  
49 08/28/2004 (267397)  
50 09/21/2004 (351987)  
51 10/19/2004 (290042)  
52 10/19/2004 (290962)  
53 10/22/2004 (351988)  
54 11/16/2004 (381799)  
55 12/09/2004 (338318)  
56 12/09/2004 (338310)  
57 12/09/2004 (336053)  
58 12/09/2004 (338291)  
59 12/10/2004 (335955)  
60 12/11/2004 (342049)  
61 12/13/2004 (280389)  
62 12/16/2004 (276474)  
63 12/20/2004 (381800)  
64 12/21/2004 (342250)  
65 12/30/2004 (341018)  
66 01/04/2005 (343339)  
67 01/05/2005 (341019)  
68 01/07/2005 (346291)  
69 01/24/2005 (381801)  
70 01/24/2005 (336670)  
71 02/16/2005 (336733)  
72 02/18/2005 (419628)  
73 02/23/2005 (432187)  
74 03/15/2005 (419629)  
75 03/16/2005 (336660)  
76 03/16/2005 (346083)  
77 04/05/2005 (345056)  
78 04/18/2005 (419630)  
79 05/11/2005 (419631)  
80 05/20/2005 (392544)  
81 05/26/2005 (372740)  
82 06/13/2005 (419632)  
83 06/20/2005 (395958)  
84 07/22/2005 (440763)  
85 07/26/2005 (401423)  
86 07/26/2005 (400884)  
87 07/26/2005 (401242)  
88 08/01/2005 (402505)  
89 08/04/2005 (402931)  
90 08/15/2005 (440764)  
91 09/19/2005 (440765)  
92 09/20/2005 (431115)  
93 10/24/2005 (468317)

94 11/21/2005 (468318)  
 95 12/20/2005 (468319)  
 96 01/06/2006 (439401)  
 97 01/20/2006 (468320)  
 98 01/26/2006 (439527)  
 99 02/17/2006 (468315)  
 100 03/16/2006 (468316)  
 101 03/29/2006 (454789)  
 102 04/21/2006 (498113)  
 103 05/09/2006 (461813)  
 104 05/16/2006 (498114)  
 105 05/17/2006 (458044)  
 106 05/22/2006 (460772)  
 107 05/31/2006 (465862)  
 108 06/28/2006 (498115)  
 109 07/07/2006 (480573)  
 110 07/18/2006 (486045)  
 111 07/24/2006 (520127)  
 112 08/09/2006 (497082)  
 113 08/21/2006 (520128)  
 114 08/28/2006 (489588)

115 09/18/2006 (520129)  
 116 11/20/2006 (544395)  
 117 11/22/2006 (514027)  
 118 11/29/2006 (531912)  
 119 12/05/2006 (544394)  
 120 12/13/2006 (533682)  
 121 12/21/2006 (533409)  
 122 01/08/2007 (534572)  
 123 01/09/2007 (575150)  
 124 01/31/2007 (517145)  
 125 03/19/2007 (575145)  
 126 04/16/2007 (575146)  
 127 05/15/2007 (575149)  
 128 05/18/2007 (575147)  
 129 06/20/2007 (575148)  
 130 07/30/2007 (563704)  
 131 08/03/2007 (563702)  
 132 08/06/2007 (563706)  
 133 08/10/2007 (570948)  
 134 08/20/2007 (571579)  
 135 08/21/2007 (571073)  
 136 08/22/2007 (571560)  
 137 08/29/2007 (573431)  
 138 09/06/2007 (571584)  
 139 09/06/2007 (574072)  
 140 09/21/2007 (594108)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	10/31/2002	(157578)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/07/2004	(265665)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)			
Rqmt Prov:	PERMIT 1176 SC 36 I and PSD 782			
Description:	Failure to repair a leaky valve within 15 days			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)			
Description:	Failure to monitor a repaired valve for two successive leak free months.			
Date	07/14/2004	(257762)		

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ FLEX AIR PERMIT 1176/PSDTX782, SC#1		
Description:	Exceeded permit limits during an avoidable emissions event.		
Date	08/28/2004	(269455)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Exceeded permit limits.		
Date	08/28/2004	(267397)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA PERMIT 1176 AND PSD-TX-782, GC #8		
Description:	Exceeded VOC permit limit.		
Date	12/10/2004	(335955)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(c)		
Description:	BP failed to submit a final report for an emissions event (Incident # 41371), that occurred June 16, 2004 in the Paraxylene Unit No. 1, in a timely manner.		
Self Report?	NO	Classification	Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 1176/PSDTX782, SC #1

Description: BP failed to maintain a parallel connection from the battery to the compressor which caused the compressor to shutdown.

Date 01/27/2006 (439527)

Self Report?	NO	Classification	Moderate
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Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ Flexible Permit #1176, SC #1

Description: Failed to enable the audible alarms for Tank F-1118 to inform the operator, when tank roof landed on its leg supports.

Date 05/10/2006 (461813)

Self Report?	NO	Classification	Moderate
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Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT TCEQ Permit No. 31936

Description: BP failed to install a valve properly.

Date 11/22/2006 (514027)

Self Report?	NO	Classification	Minor
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Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(5)

Description: Purchased Water  
Failure to secure a contract which specifies a maximum hourly purchase rate for systems which purchase water under direct pressure.

Self Report?	NO	Classification	Moderate
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Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)

Description: Operating Practices for Public Water Systems  
Failure to operate a non-transient, non-community water system, such as yours, under the direct supervision of a licensed water works operator.

Date 08/03/2007 (563702)

Self Report?	NO	Classification	Moderate
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Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT No. 1176, Special Condition No. 1

Description: BP failed to meet the affirmative defense.

F. Environmental audits.

Notice of Intent Date: 07/15/2002 (32988)  
Disclosure Date: 01/23/2003

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter A  
Description: Failure to submit an inventory of wells authorized by rule.

Notice of Intent Date: 12/10/2002 (33125)  
Disclosure Date: 07/15/2003

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF

Description: Failed to ensure the benzene waste operations annual report is updated accurately and contains all information regarding summary of inspections before submittal.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF

Description: Failed to maintain records of deficiencies during visual equipment inspections

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF

Description: Failed to provide a car-seal that is required on some equipment installed on closed vent systems.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF

Description: Failed to report flare pilot otages on the benzene waste operations quarterly report.

Notice of Intent Date: 06/16/2004 (345925)

No DOV Associated

Notice of Intent Date: 02/23/2006 (458557)

Disclosure Date: 09/01/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H

Description: Failure to tag 28 valves

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H

Description: Failure to include 34 sources in LDAR program.

Notice of Intent Date: 07/06/2006 (487745)

No DOV Associated

Notice of Intent Date: 01/08/2007 (543529)

No DOV Associated

Notice of Intent Date: 01/08/2007 (543530)

No DOV Associated

Notice of Intent Date: 01/08/2007 (543531)

No DOV Associated

Notice of Intent Date: 01/15/2007 (543525)

No DOV Associated

Notice of Intent Date: 01/15/2007 (543528)

No DOV Associated

Notice of Intent Date: 02/27/2007 (554847)

No DOV Associated

Notice of Intent Date: 05/25/2007 (563636)

No DOV Associated

Notice of Intent Date: 05/31/2007 (571651)

No DOV Associated

Notice of Intent Date: 06/08/2007 (565939)

No DOV Associated

Notice of Intent Date: 08/08/2007 (593459)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BP AMOCO CHEMICAL COMPANY  
RN102536307**

**§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1574-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BP Amoco Chemical Company ("Amoco") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Amoco appear before the Commission and together stipulate that:

1. Amoco owns and operates a chemical plant at 2800 Farm-to-Market Road 519 East in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in the TEX. HEALTH and SAFETY CODE § 382.003(12).
3. The Commission and Amoco agree that the Commission has jurisdiction to enter this Agreed Order, and that Amoco is subject to the Commission's jurisdiction.
4. Amoco received notice of the violations alleged in Section II ("Allegations") on or about August 26, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Amoco of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Eight Hundred Seventy-Five Dollars (\$6,875) is assessed by the Commission in settlement of the violation alleged in Section II ("Allegations"). Amoco has paid Five Thousand Five Hundred Dollars (\$5,500) of the administrative penalty and One Thousand Three Hundred Seventy-Five Dollars (\$1,375) is deferred contingent upon Amoco's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Amoco fails to timely and satisfactorily comply with all requirements of this Agreed Order, The Executive Director may require Amoco to pay all or part of the deferred penalty.



7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Amoco has agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Amoco has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, Amoco is alleged to have failed to prevent unauthorized emissions of 1,022 pounds ("lbs") of ethylene and 242 lbs of nitrogen oxides from the Paraxylene Unit No. 2 (PX-2) during an emissions event that occurred on May 7, 2007 from 8:15 a.m. through 6:15 p.m., in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flex Air Permit No. 1176, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15 through 29, 2007. Since this emissions event was avoidable, Amoco failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## **III. DENIALS**

Amoco generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Amoco pay an administrative penalty as set forth in Section I, Paragraph 6. above. The payment of this administrative penalty and Amoco's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BP Amoco Chemical Company, Docket No. 2007-1574-AIR-E" to:



Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

2. It is further ordered that Amoco shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, design and implement procedures to prevent future emissions events due to a same or similar cause; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Amoco. Amoco is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe the Respondent is not in violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the



- Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. This Agreed Order, issued by the Commission, shall not be admissible against Amoco in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
  6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Amoco shall be made in writing to the Executive Director. Extensions are not effective until Amoco receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
  7. This Agreed Order, issued by the Commission, shall not be admissible against Amoco in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
  8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
  9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Amoco, or three days after the date on which the Commission mails notice of the Order to Amoco, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
For the Executive Director

3/4/08  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

12/17/07  
Date

Katherine M. Gardner  
Name (Printed or typed)  
Authorized Representative of  
BP Amoco Chemical Company

Environmental Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

